Original

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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JEFFREY L. KEITH, BASSAM SALIBA and ERIC JAKSTADT

Appeal No. 2004-1338
Application No. 09/093,958

ON BRIEF

Before HAIRSTON, RUGGIERO, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 4, 20 through 23 and 36 through 42.

The disclosed invention relates to a parcel manager that manages the transfer of data from a local computer to a remote computer.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A parcel manager for managing transfer of data from a local computer to a remote computer, the parcel manager being embodied on a computer readable medium, and comprising:

an interference object to present an interface into the parcel manager from one or more external applications;

a parcel object created via a first function presented by the interface object, the parcel object providing functionality to place the data in one or more parcel components for transferring to the remote computer, each said parcel component being particularized to contain and carry a particular type of data that was requested; and

a notification object created via a second function presented by the interface object in response to a request from an external application, the notification object providing functionality to track a status of the parcel object as the parcel components are transferred to the remote computer.

The references relied on by the examiner are:

Kolling et al. (Kolling)	5,963,925	Oct. 5, 1999 (effective filing date Oct. 9, 1996)
Haff et al. (Haff)	6,219,669	Apr. 17, 2001 (effective filing date Nov. 13, 1997)

Claims 1 through 4 and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Haff.

Claims 20 through 23 and 37 through 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of Kolling.

Reference is made to the final rejection (paper number 22), the brief (paper number 24) and the answer (paper number 25) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the anticipation rejection of claims 1 through 4 and 36, and the obviousness rejection of claims 20 through 23 and 37 through 42.

The examiner has made findings (final rejection, page 3) that Haff discloses all of the limitations of claim 1. Appellants argue (brief, page 8) that "the assembly of a file packet from user selected files taught by Haff et al. is fundamentally different than the assembly of a particular type of parcel to be made up of a particular type of data." In response, the examiner contends (answer, page 7) that "Haff et al explicitly teaches data and file transfer, as seen throughout the specification (see column 8, lines 17-21, column 10, lines 27-29, and column 11, lines 65-67 as some examples)."

We agree with the examiner that Haff interchangeably uses the terms "data," "file" and "datafile" to refer to the transfer of information between a local device and a remote device. Even if Haff had not used the term "data" in connection with the term "file," we find that the term "file" refers to similarly structured data records. For example, the USPTO personnel file contains data records for all of the employees of the USPTO, and a request for that file is a request for a "particular type of data" as set forth in claim 1 on appeal. Appellants' contentions (brief, page 7) to the contrary notwithstanding, claim 1 on appeal is not limited to any particular type of data. Thus, the anticipation rejection of claim 1 is sustained. The anticipation rejection of claims 2 through 4 and 36 is likewise sustained

because appellants have chosen to let these claims stand or fall with claim 1 (brief, page 3).

The obviousness rejection of claims 20 through 23 and 37 through 42 is sustained because appellants have not presented any patentability arguments for these claims.

DECISION

The decision of the examiner rejecting claims 1 through 4 and 36 under 35 U.S.C. § 102(e) is affirmed, and the decision of the examiner rejecting claims 20 through 23 and 37 through 42 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

KENNETH W. HAIRSTON
Administrative Patent Judge

JOSEPH F. RUGGIERO
Administrative Patent Judge

LANCE LEONARD BARRY
Administrative Patent Judge

) BOARD OF PATENT APPEALS AND INTERFERENCES

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